

**VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

JOHN T. BUCHANAN  
121 Edgewater Drive  
Cedar Bluff, VA 24609

.....PLAINTIFF

v.

Case No.: CL 20-2129

SANTEK ENVIRONMENTAL OF  
VIRGINIA, LLC

.....DEFENDANT

Serve: National Registered Agents, Inc.  
4701 Cox Road, Suite 285  
Glen Allen, VA 23060

**COMPLAINT**

COMES NOW the Plaintiff, John T. Buchanan, with his Complaint alleging personal injuries sustained from negligence of the Defendants in this matter, and in support thereof, respectfully represents as follows:

1. The Plaintiff, John T. Buchanan, is a resident of Tazewell County, Virginia, whose address is 121 Edgewater Drive, Cedar Bluff, Virginia 24609.
2. Defendant, SANTEK Environmental of Virginia, LLC (hereinafter SANTEK) is a Tennessee Limited Liability Company, doing business in Tazewell County, Virginia, under contract to Tazewell County, Virginia, and whose address is 650 25<sup>th</sup> Street, NW, Ste 100, Cleveland, TN 37311.
3. Defendant is a foreign company authorized to do business in the Commonwealth of Virginia.
4. At all times mentioned herein, particularly on or about July 19, 2019, the Defendants operated, controlled and maintained the property located at Cedar Bluff, Virginia 24609,



Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.

This the 14<sup>th</sup> day of DEC, 2020

Time 1:24 P., M.

TESTE: Katherine A. Wright  
Clerk, Deputy Clerk

commonly known as the Cedar Bluff Solid Waste Transfer Station, located at 193 Cedar Valley Drive, Cedar Bluff, Virginia 24609, under a “Sanitary Landfill Operating Agreement Between Tazewell County, Virginia and Santek Environmental of Virginia, LLC” dated January 1, 2017. A copy of this document is attached herewith and incorporated fully herein as Exhibit “A.”

5. On or about July 19, 2019, the Plaintiff, John T. Buchanan was a pedestrian, working as a volunteer performing community service at the Cedar Bluff Solid Waste Transfer Station, placed by Tazewell County Probation and Parole office.
6. As a part of the community service process, the employer was responsible for providing a safe work environment and for providing proper supervision and training in the workplace.
7. A component of the Plaintiff’s job was to assist customers with loading, unloading, and removing garbage from vehicles. As part of that process, the Plaintiff was expected to direct customers as they drove automobiles toward the dumping area.
8. On July 19, 2019, at approximately 2:30 P.M., the Plaintiff was assisting a pickup truck backing toward the dumping area by directing the driver who was approaching the dumping area in reverse.
9. The driver struck the Plaintiff with his pickup truck and ran him over causing severe bodily harm and injuries requiring significant medical treatment, pain and suffering, and ongoing disability.
10. The driver’s pickup truck rolled over the Plaintiff’s mid section causing severe internal injuries requiring extensive medical treatment, causing severe pain and suffering, and permanent disability.

11. Defendant Santek utilized the Plaintiff as free labor since he served community service hours for which he had no ability to decline.
12. Defendant provided the Plaintiff with no training for the duties of the position in which he was placed despite the placement in a dangerous position with moving vehicles, heavy equipment, and in dangerous locations.
13. Defendant failed to provide proper or adequate supervision of the Plaintiff or other personnel at the job site, including employees, volunteers and other community service workers.
14. Defendant failed to warn the Plaintiff of the inherent dangers of the position in which he was placed.
15. No traffic controls were provided or installed by the Defendant on the site, leaving traffic to move about freely, forward and in reverse, with no rules, no direction, and no limitations.
16. The Defendant had no traffic controls and no pedestrian controls in place despite a confluence of traffic on foot and in automobiles commingling constantly on the site.
17. Defendant failed to provide proper or effective signage and warnings on the job site.
18. Defendant failed and/or refused to effectively control traffic on the job site.
19. Defendant's Negligence was both a direct and proximate cause of the injuries sustained by the Plaintiff.
20. Since the Plaintiff was assigned to work at this location and had no personal control over this decision, a higher duty of care was owed to him for his safety by the Defendant by virtue of his required participation.
21. Notwithstanding said duties, the Defendant carelessly, recklessly and negligently permitted activities on its premises and omitted responsibilities on its premises in such a

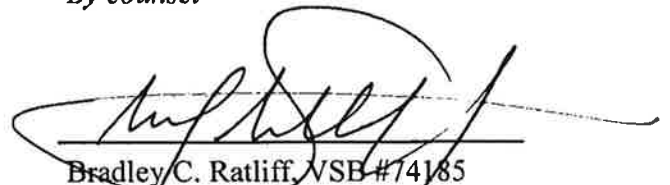
manner as to facilitate a collision with an automobile and the Plaintiff which occurred with great force and effect.

22. As a direct and proximate result of the Defendant's negligence, the business invitee's automobile crashed into the Plaintiff, running him completely over, with great force and effect, causing serious bodily harm.

23. As a direct and proximate result of the Defendant's negligence, the Plaintiff sustained serious and permanent injuries, has been prevented from conducting his normal activities, has suffered and will continue to suffer great pain of body and mind, has sustained permanent disability, deformity and loss of earning capacity, has incurred and will in the future incur hospital, doctor's and related expenses in an effort to be cured of said injuries.

WHEREFORE, the Plaintiff requests compensatory damages for recovery of medical expenses and pain and suffering in the amount of two hundred fifty thousand dollars & 00/100 (\$250,000.00), punitive damages in the statutory amount of three hundred thousand dollars & 00/100 (\$300,000.00), reasonable attorney's fees since the plaintiff has been forced to retain counsel to prosecute this claim through and by litigation, his costs expended herein, interest at the judgment rate of six percent (6%) per annum, and any additional award that the Court deems just and reasonable. A trial by jury is demanded.

Requested by:  
**JOHN T. BUCHANAN**  
*By counsel*



Bradley C. Ratliff, VSB #74185  
THE RATLIFF LAW FIRM  
P.O. Box 33  
1053 Cedar Valley Drive  
Cedar Bluff, Virginia 24609  
Voice: 276.522.1220  
Fax: 276.206.2255  
E-Mail: Brad@RatliffLaw.net

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing Complaint was mailed to the Defendant, SANTEK Environmental of Virginia, LLC, 650 25<sup>th</sup> Street, NW, STE 100, Cleveland, Tennessee 37311, on this the 10<sup>th</sup> day of December, 2020.



Bradley C. Ratliff  
*Counsel to Plaintiff*

Cedar Bluff, Virginia | Main Office  
1053 Cedar Valley Drive  
P. O. Box 33  
Cedar Bluff, Virginia 24609  
Voice: (276) 522-1220  
Fax: (276) 206-2255



Bradley C. Ratliff, Attorney at Law  
Jeffrey W. Stowers, Jr., Attorney at Law  
Kristen N. Lawson-McVey, Attorney at Law  
Natasha L. Ratliff, Practice Administrator

FEIN: 46-2156927

Sender's E-Mail: [Brad@ratlifflaw.net](mailto:Brad@ratlifflaw.net)

December 9, 2020

**VIA FIRST-CLASS MAIL**

The Honorable Tammy Allison, Clerk  
Tazewell Circuit Court  
135 Court Street, Suite 202  
Tazewell, VA 24651

**RE: John T. Buchanan v. SANTEK Environmental of Virginia, LLC**  
**Claim No.: Unassigned**  
**Tazewell County Circuit Court**

Dear Ms. Allison:

Enclosed, please find our Complaint for filing with the Court at your earliest convenience. We are also including a separate copy for service on the Defendant as well as the requisite fees for the same. Please return a stamped copy to our office in the enclosed self-addressed, stamped envelope.

Thank you in advance for your kind attention and assistance. Should you have any questions, please do not hesitate to contact me.

Sincerely,

THE RATLIFF LAW FIRM

Bradley C. Ratliff

BCR/

Cc: Mr. John T. Buchanan

Enclosure

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.

This the 14<sup>th</sup> day of Dec. 2020  
Time 1:24 P., M.

TESTE Katherine A. Wright  
Clerk, Deputy Clerk

## COMMONWEALTH OF VIRGINIA



TAZEWELL CIRCUIT COURT  
Civil Division  
135 COURT STREET, SUITE 202  
TAZEWELL VA 24651  
(276) 385-1222

### Summons

To: SANTEK ENVIRONMENTAL OF VA LLC  
NATIONAL REG. AGENTS, INC.  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060

Case No. 185CL20002129-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Monday, December 14, 2020

Clerk of Court: TAMMY B ALLISON

by Katherine A. Wright  
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: RATLIFF, BRAD  
1053 CEDAR VALLEY DRIVE  
CEDAR BLUFF VA 24609

**COMMONWEALTH OF VIRGINIA**



**TAZEWELL CIRCUIT COURT**  
Civil Division  
135 COURT STREET, SUITE 202  
TAZEWELL VA 24651  
(276) 385-1222

Virginia:  
In the TAZEWELL CIRCUIT COURT

Proof of Service

Case number: 185CL20002129-00  
Service number: 001  
Service filed: December 14, 2020  
Judge:

Served by: HENRICO COUNTY  
Style of case: JOHN T BUCHANAN vs SANTEK ENVIRONMENTAL OF VA LLC  
Service on: SANTEK ENVIRONMENTAL OF VA LLC      Attorney: RATLIFF, BRAD  
NATIONAL REG. AGENTS, INC.  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
1053 CEDAR VALLEY DRIVE  
CEDAR BLUFF VA 24609

**Instructions:**


Returns shall be made hereon, showing service of Summons issued Monday, December 14, 2020 with a copy of the Complaint filed Monday, December 14, 2020 attached.

Hearing date :

Service issued: Monday, December 14, 2020

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For Sheriff Use Only

NAME: SANTEK ENVIRONMENTAL OF VA LLC - ATTN: NATIONAL REG. AGENTS, INC.	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner <input type="checkbox"/> Delivered to person found in charge of usual place of business or employment during normal business hours and giving information to its purport  <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above giving information of its purport. List name, age of recipient and relation of recipient to party named above  <input type="checkbox"/> Posted on the common door of usual place of abode, address listed above. (Other authorized recipient not found.) <input type="checkbox"/> Copy mailed to judgement debtor on date below after serving the garnishee unless a different date is shown below <input type="checkbox"/> No envelope provided  <input type="checkbox"/> Evicted <input type="checkbox"/> Not Evicted <input checked="" type="checkbox"/> Served on registered agent JESSICA FITZGERALD <input type="checkbox"/> Not Found <input type="checkbox"/> No Levy Required <input type="checkbox"/> Not in this jurisdiction <input type="checkbox"/> NO EFFECTS FOUND	
<u>12/29/2020</u> Date	DEPUTY SHERIFF  Cone, W.  FOR: Sheriff Alisa A. Gregory Henrico County, Virginia

Paper Number: 3488998

Court Case Number: 185CL20002129-00

Notes: SEE ATTACHED AUTHORIZATION

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.  
This the 7 day of Jan 2021  
Time 9:30 a.m.  
TESTE: Angela O. Ray  
Clerk, Deputy Clerk

## Service Authorization National Registered Agents, Inc.

National Registered Agents, Inc. ("NRAI") is registered agent for service of process for numerous corporations and similar entities. NRAI receives the process only in its capacity as a commercial registered agent. The individuals designated below are employees of National Registered Agents, Inc. and in receiving the process, do so only on NRAI's behalf and in NRAI's capacity as registered agent.

**PLEASE NOTE:** The Code of Virginia §§ 13.1-634 provides in part:  
"Registered office and registered agent.

A....

B. The sole duty of the registered agent is to forward to the corporation at its last known address any process, notice or demand that is served on the registered agent."

*As such, neither National Registered Agents, Inc., nor its individual employees designated below, have the duty or the ability to respond to any legal process, notice or demand that is served on NRAI's clients.*

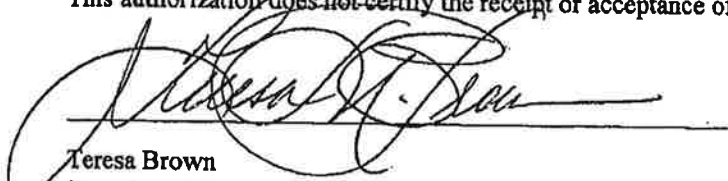
The following natural persons are designated in the office of the registered agent upon whom any process, notice or demand may be served:

Katie Bush

Teresa Brown

Jessica Fitzgerald

This authorization does not certify the receipt or acceptance of any specific process

  
Teresa Brown  
Team Leader  
CT Corporation System

State of Virginia  
County of Henrico

This day personally appeared before me, Teresa Brown, who name is signed above and who, being first duly sworn, upon her oath, state that the foregoing Affidavit is true to the best of her knowledge and belief.

Subscribed and sworn before me this 30<sup>th</sup> day of April, 2018.

  
Notary Public



COMMONWEALTH OF VIRGINIA



TAZEWELL CIRCUIT COURT  
Civil Division  
135 COURT STREET, SUITE 202  
TAZEWELL VA 24651  
(276) 385-1222

Virginia:  
In the TAZEWELL CIRCUIT COURT

Proof of Service

Case number: 185CL20002129-00  
Service number: 001  
Service filed: December 14, 2020  
Judge:

Served by: HENRICO COUNTY  
Style of case: JOHN T BUCHANAN vs SANTEK ENVIRONMENTAL OF VA LLC  
Service on: SANTEK ENVIRONMENTAL OF VA LLC Attorney: RATLIFF, BRAD  
NATIONAL REG. AGENTS, INC. 1053 CEDAR VALLEY DRIVE  
4701 COX ROAD, SUITE 285 3488998 CEDAR BLUFF VA 24609  
GLEN ALLEN VA 23060

Instructions:

Returns shall be made hereon, showing service of Summons issued Monday, December 14, 2020 with a copy of the Complaint filed Monday, December 14, 2020 attached.

Hearing date :  
Service issued: Monday, December 14, 2020

For Sheriff Use Only

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.  
This the 7 day of Jan 2021  
Time 9:30 a. M.  
TESTE: Angela Ray  
Clerk, Deputy Clerk

**VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

JOHN T. BUCHANAN

Plaintiff,

Case No.: CL20-2129

v.

SANTEK ENVIRONMENTAL OF  
VIRGINIA, LLC,

Defendant.

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.

This the 22 day of Jan, 2021

Time 10:40 A.M.

TESTE: Kathy Crause  
Clerk, Deputy Clerk

**PLEA IN BAR**

Defendant, Santek Environmental of Virginia, LLC ("Santek"), by undersigned counsel,  
for its plea in bar, states as follows:

1. Under the facts alleged, Santek is entitled to sovereign immunity.
2. Contractors hired by an immune entity are entitled to sovereign immunity if the actions performed under the contract are considered a governmental function. *See, Consortium Sys. LLC v. Lane Eng'g, Inc.*, 95 Va. Cir. 73 (Scott Co. 2017).
3. In Virginia, counties are entitled to the sovereign immunity of the Commonwealth. *Fry v. Albermarle County*, 86 Va. 195, 9 S.F. 1004, 1005 (1890).
4. The operation of a public landfill is a governmental activity. *Churchill Apartments Associates v. City of Richmond*, 36 Va. Cir. 204 (1995) (citing *Taylor v. City of Newport News*, 214 Va. 9, 10 (1993); *See Ashbury v. City of Norfolk*, 152 Va. 278 (1929)).
5. Plaintiff alleges that Santek operated the Cedar Bluff Solid Waste Transfer Station, located at 193 Cedar Valley Drive, Cedar Bluff, Virginia 24609, under a contract with Tazewell County, Virginia. (Compl. ¶ 4.)
6. Thus, Santek is a contractor hired by an immune entity to perform a governmental function and is entitled to sovereign immunity.

WHEREFORE, Santek moves the Court to dismiss the Complaint and for its costs expended.

### DEMURRER

Without waiving the above Plea in Bar and expressly relying thereon, Santek, by undersigned counsel, for its Demurrer pursuant to Va. Code § 8.01-273, states as follows:

1. Virginia follows the rule that “a plaintiff must allege all facts necessary to establish” a cause of action. *Ely v. Whitlock*, 238 Va. 670, 677, 385 S.E.2d 893, 897 (1989).

2. While a trial court is required to accept the accuracy of all well-pleaded facts, as well as inferences fairly drawn from these facts, a demurrer does not admit the correctness of the pleader’s conclusions of law. See *Russo v. White*, 241 Va. 23, 24, 400 S.E.2d 160, 161 (1991). Also, a court is not bound by conclusory allegations when the issues involve mixed questions of law and fact. See *id.* at 28, 400 S.E.2d at 163.

3. Virginia follows the doctrine of contributory negligence, meaning that a plaintiff will be barred from recovery if her own negligence contributes to her damages. *Baskett v. Banks*, 186 Va. 1022, 45 S.E.2d 173 (1947). In other words, “[o]ne cannot charge another in damages for negligently injuring [her] when [her] own failure to exercise reasonable care was responsible for the occurrence of which [s]he complains.” *Gottlieb v. Andrus*, 200 Va. 114, 118, 104 S.E.2d 743, 747 (1958) (quoting *Flakne v. Telephone Co.*, 199 Va. 31, 34, 97 S.E.2d 650, 652 (1957)). When the facts alleged in a complaint disclose that the plaintiff was guilty of negligence which proximately caused his injuries, a demurrer should be sustained. *Baker v. Butterworth*, 119 Va. 402, 406–07, 89 S.E. 849, 850 (1916).

4. Plaintiff alleges that he was struck and run over by a pickup truck that he was assisting and directing toward the dumping area. (Compl. ¶¶ 8-10.) Thus, the facts alleged in

Plaintiff's Complaint disclose that he improperly directed the vehicle, failed to keep a proper lookout, improperly positioned himself in the vehicles' path, assumed the risk of injury, and was guilty of contributory negligence as a matter of law which proximately caused his alleged injuries.

5. Additionally, the Complaint fails to state a claim for attorney's fees and expenses against Santek. "Generally, absent a specific contractual or statutory provision to the contrary, attorney's fees are not recoverable by a prevailing litigant from the losing litigant." *Mullins v. Richlands Nat. Bank*, 241 Va. 447, 449, 403 S.E.2d 334, 335 (1991). A demand for attorney's fees must identify the basis upon which the party relies in requesting attorney's fees. Va. Sup. Ct. R. 3:25(B). The basis identified by the Plaintiff in the prayer for relief in his Complaint is that he "has been forced to retain counsel to prosecute this claim through and by litigation." (Compl. at 4.) Because this is not an adequate basis to support an award of attorney's fees, the Complaint fails to state a claim for attorney's fees and expenses.

6. Finally, the Complaint fails to state a claim for punitive damages because punitive damages "must be supported by factual allegations sufficient to establish that the defendant's conduct was willful or wanton." *Woods v. Mendez*, 265 Va. 68, 76, 574 S.E.2d 263, 268 (2003). The allegations contained in the Complaint are insufficient as a matter of law to support a prayer for punitive damages.

WHEREFORE, Santek moves the Court to sustain its Demurrer and dismiss the Complaint.

### **ANSWER**

Without waiving the above Plea in Bar and Demurrer, and expressly relying thereon, Santek, by undersigned counsel, answers the Complaint as follows:

1. Defendant, upon information and belief, admits the allegations contained in Paragraph 1 of the Complaint.

2. Defendant admits the allegations contained in Paragraph 2 of the Complaint.

3. Defendant admits the allegations contained in paragraph 3 of the Complaint.

4. The allegations contained in Paragraph 4 of the Complaint alleging that Defendant “operated, controlled and maintained” the subject property are, in part, legal conclusions to which no response is required. Responding to the remaining allegations in Paragraph 4 of the Complaint, the document referenced as Exhibit “A” was not attached to the Complaint served upon Defendants. Therefore, Defendant has insufficient knowledge to either admit or deny the allegations regarding Exhibit “A,” but states that the referenced document speaks for itself. To the extent any further response it required, Defendant denies the allegations contained in Paragraph 4 of the Complaint.

5. Defendant, upon information and belief, admits the allegations contained in Paragraph 5 of the Complaint.

6. The allegations contained in Paragraph 6 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 6 of the Complaint.

7. Defendant admits the allegations contained in Paragraph 7 of the Complaint.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 9 of the Complaint.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Defendant admits the allegations in Paragraph 11 of the Complaint that Plaintiff was a volunteer serving community service hours. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint regarding Plaintiff's ability to decline such work assignment. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. Defendant denies the allegations contained in Paragraph 17 of the Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Complaint.

19. The allegations contained in Paragraph 19 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 19 of the Complaint.

20. The allegations contained in Paragraph 20 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 20 of the Complaint.

21. The allegations contained in Paragraph 21 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 21 of the Complaint.

22. The allegations contained in Paragraph 22 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 22 of the Complaint.

23. The allegations contained in Paragraph 23 of the Complaint are legal conclusions to which no response is required. To the extent any further response is required, Defendant denies the allegations contained in Paragraph 23 of the Complaint.

24. Defendant denies all allegations not specifically admitted herein.

25. Defendant denies that it is liable or indebted to the Plaintiff in the amount sued for or any amount and denies the Plaintiff is entitled to the relief sought.

#### **AFFIRMATIVE DEFENSES**

Defendant raises the below affirmative defenses to the Complaint. By designating the following defenses as affirmative defenses, Defendant does not concede that it bears the burden of proof or the burden of persuasion as to any such defense. Defendant reserves the right to: (1)

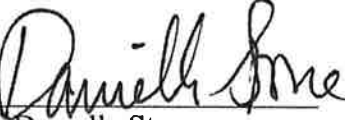
rely on any other applicable defenses that may become apparent during fact or expert discovery, and (2) amend this document or its answer to assert any such defenses.

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff's damages, if any, were caused due to his contributory negligence.
3. To the extent that Claimant claims punitive damages, the claim is barred in whole or in part by the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution, the Eighth Amendment of the United States Constitution, and counterpart provisions of the applicable Virginia Constitution and statutes governing these damages.
4. Plaintiff's damages, if any, were caused by an intervening and/or superseding cause(s), including but limited to the actions of people or entities other than Defendant who caused or contributed to the damages Plaintiff alleges to have suffered.
5. To the extent Plaintiff has failed to mitigate his damages, his claims are barred and/or remedy diminished.
6. Plaintiff knew about the risk, and voluntarily undertook the risk that led to the alleged accident and injuries.
7. Plaintiff's claims are barred by sovereign immunity.

SANTEK ENVIRONMENTAL OF VIRGINIA, LLC

By Counsel

Danielle Stone  
VSB No. 84503  
Penn, Stuart & Eskridge  
P.O. Box 2288  
Abingdon, Virginia 24212  
(276) 628-5151  
(276) 623-1730 (facsimile)  
[dstone@pennstuart.com](mailto:dstone@pennstuart.com)

By   
Danielle Stone

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of January, 2021, a copy of the foregoing *Notice of Filing of Notice of Removal* was forwarded to the following via e-mail and U.S. Mail:

Bradley C. Ratliff  
The Ratliff Law Firm  
P.O. Box 33  
1053 Cedar Valley Drive  
Cedar Bluff, Virginia 24609  
Brad@RatliffLaw.net

  
Danielle Stone

**VIRGINIA: IN THE CIRCUIT COURT OF TAZEWEEL COUNTY**

JOHN T. BUCHANAN

Plaintiff,

Case No.: CL20-2129

v.

SANTEK ENVIRONMENTAL OF  
VIRGINIA, LLC,

Defendant.

**NOTICE OF FILING OF NOTICE OF REMOVAL**


Please take notice, that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, on January 22, 2021, Defendant Santek Environmental of Virginia, LLC removed this action from the Circuit Court of Tazewell County Virginia to the United States District Court for the Western District of Virginia by a Notice of Removal, a copy of which is attached hereto as Exhibit 1.

SANTEK ENVIRONMENTAL OF VIRGINIA, LLC

By Counsel

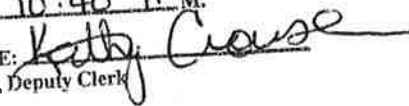
Danielle Stone  
VSB No. 84503  
Penn, Stuart & Eskridge  
P.O. Box 2288  
Abingdon, Virginia 24212  
(276) 628-5151  
(276) 623-1730 (facsimile)  
[dstone@pennstuart.com](mailto:dstone@pennstuart.com)

By

  
Danielle Stone

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.


This the 22 day of Jan, 2021  
Time 10:40 A.M.

TESTE:   
Clerk, Deputy Clerk

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of January, 2021, a copy of the foregoing *Notice of Filing of Notice of Removal* was forwarded to the following via e-mail and U.S. Mail:

Bradley C. Ratliff  
The Ratliff Law Firm  
P.O. Box 33  
1053 Cedar Valley Drive  
Cedar Bluff, Virginia 24609  
Brad@RatliffLaw.net

  
Danielle Stone

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

JOHN T. BUCHANAN

Plaintiff,

Civil Action No.: \_\_\_\_\_  
(Tazewell Co. Case No.: CL20-2129)

v.

SANTEK ENVIRONMENTAL OF  
VIRGINIA, LLC,

Defendant.

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.

This the 22 day of Jan 2021

Time 10:40 A.M.

TESTE: Kathy Crouse  
Clerk, Deputy Clerk

**NOTICE OF REMOVAL**

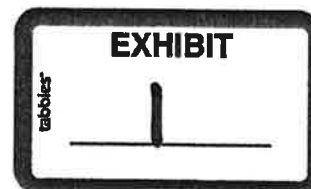
Pursuant to 28 U.S.C. § 1441, Santek Environmental of Virginia, LLC ("Santek"), by undersigned counsel, files this Notice of Removal of the above referenced civil action, based upon diversity jurisdiction under 28 U.S.C. § 1332.

**TIMELINESS OF REMOVAL**

1. Plaintiff, John T. Buchanan, filed this civil action on or about December 14, 2020, in the Circuit Court of Tazewell County, Virginia, where it was docketed as CL20-2129. *See* Complaint at 1, a copy of which is attached hereto as Exhibit A.

2. Defendant was served with the Complaint, via its registered agent for service, on December 29, 2020. *See* "Service of Process Summary Transmittal Form", included as the cover page to Ex. A.

3. This Notice of Removal is filed timely, it being made within thirty (30) days from the date of service, December 29, 2020. *See* 28 U.S.C. § 1446(b); *see also PurAyr, LLC v. Phocatox Techs., LLC*, 263 F. Supp. 3d 632, 635 - 636 (W.D. Va. 2016) (providing "formal service under state law is necessary to start the removal clock") (citing *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999)).



## **GROUND FOR REMOVAL**

### **A. Diversity Jurisdiction**

4. This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332, which confers original jurisdiction of “all civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States . . .”

#### **i. The Parties are diverse.**

5. Plaintiff is now and was at the commencement of this action a resident of and domiciled in Virginia, residing at 121 Edgewater Drive, Cedar Bluff, Virginia 24609. *See Ex. A* at ¶ 1.

6. The only defendant in this action, Santek, is a Tennessee limited liability company, which does business in Tazewell County, Virginia. *See Ex. A* at ¶ 2; Articles of Organization of Santek Environmental of Virginia, LLC, attached hereto as Exhibit B.

7. For limited liability companies, “citizenship for purposes of diversity jurisdiction turns not on its place of formation or principal place of business, but on the citizenship” of the limited liability company’s “members”. *Travelers Indem. Co. of Am. v. Portal Healthcare Sols., L.L.C.*, 644 F. App’x 245, 246 (4th Cir. 2016) (emphasis added).

8. Santek is now and was at the commencement of this action a citizen of Tennessee. The sole member of Santek Environmental of Virginia, LLC, is Santek Environmental, LLC, a Tennessee limited liability company. *See* Tennessee Department of State Filing Information for Santek Environmental, LLC, attached hereto as Exhibit C.

9. Further, the sole member of Santek Environmental, LLC, is Santek Waste Services, LLC, a Tennessee limited liability company. *See* Tennessee Department of State Filing Information for Santek Waste Services, LLC, attached hereto as Exhibit D.

10. Lastly, the sole member of Santek Waste Services, LLC, is Santek Holdings Inc., a Tennessee Corporation with its principal place of business in Cleveland, Tennessee. *See* Tennessee Department of State Filing Information for Santek Holdings, Inc., attached hereto as Exhibit E.

**ii. The amount in controversy exceeds the \$75,000.00 jurisdictional threshold.**

11. “In most cases, the ‘sum claimed by the plaintiff controls’ the amount in controversy determination.” *JTH Tax, Inc. v. Frashier*, 624 F.3d 635, 638 (4th Cir. 2010) (quoting *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 288, 58 S.Ct. 586, 82 L.Ed. 845 (1938)). “If the plaintiff claims a sum sufficient to satisfy the statutory requirement, a federal court may dismiss only if ‘it is apparent, *to a legal certainty*, that the plaintiff cannot recover the amount claimed.’” *JTX Tax, Inc.* 624 F.3d at 368 (quoting *St. Paul Mercury Indem. Co.*, 303 U.S. at 289).

12. Plaintiff alleges that he suffered severe bodily harm and injuries requiring significant medical treatment, pain and suffering, and ongoing disability from an alleged accident that occurred at a waste transfer facility operated by Defendant. *See Ex. A* at ¶¶ 5 – 10.

13. In relation to these alleged injuries, Plaintiff, in this action, seeks various categorical damages, including: (a) “medical expenses and pain and suffering in the amount of two hundred fifty thousand dollars,” (b) “punitive damages in the statutory amount of three hundred thousand dollars,” and (c) reasonable attorney’s fees.<sup>1</sup> *See Ex. A* at pg. 4.

---

<sup>1</sup> *See Francis v. Allstate Ins. Co.*, 709 F.3d 362, 368 (4th Cir. 2013) (finding that “potential attorney’s fees should be considered in the amount-in-controversy determination” to satisfy diversity jurisdiction).

14. Accordingly, Plaintiff's allegations and attendant prayer for damages satisfy the amount-in-controversy requirement of 28 U.S.C. § 1332.

**FILING AND SERVICE OF NOTICE**

15. Copies of all process, pleadings, and orders filed in the State Court Action, including the Notice of Filing of Notice of Removal, are attached collectively as Exhibit F in accordance with 28 U.S.C. § 1446(a).

16. A copy of this Notice of Removal is also being served on counsel of record for Plaintiff, as reflected in the attached Certificate of Service.

WHEREFORE, this action and all papers herein should be removed from the state court to this court.

SANTEK ENVIRONMENTAL OF VIRGINIA, LLC

By Counsel

Danielle Stone  
VSB No. 84503  
PENN, STUART & ESKRIDGE  
P. O. Box 2288  
Abingdon, Virginia 24212  
Telephone: 276/628-5151  
Facsimile: 276/623-1730  
[dstone@pennstuart.com](mailto:dstone@pennstuart.com)

By /s/ Danielle Stone  
Danielle Stone

**CERTIFICATE OF SERVICE**

I hereby certify that on 22nd day of January, 2021, I electronically filed the foregoing *Notice of Removal* with the Clerk of the Court using the CM/ECF system and that I forwarded the same to the following via e-mail and U.S. Mail:

Bradley C. Ratliff  
The Ratliff Law Firm  
P.O. Box 33  
1053 Cedar Valley Drive  
Cedar Bluff, Virginia 24609  
Brad@RatliffLaw.net

/s/ Danielle Stone

Danielle Stone

**NATIONAL REGISTERED AGENTS, INC.**

**SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: BRENDA HODGES BINDER  
Miller & Martin PLLC  
832 GEORGIA AVE STE 1200  
CHATTANOOGA, TN 37402-2285

SOP Transmittal # 538809219

Entity Served: SANTEK ENVIRONMENTAL OF VIRGINIA, LLC (Domestic State: VIRGINIA)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of VIRGINIA on this 29 day of December, 2020. The following is a summary of the document(s) received:

1. **Title of Action:** JOHN.T. BUCHANAN, Pltf. vs. SANTEK ENVIRONMENTAL OF VIRGINIA, LLC, Dft
2. **Document(s) Served:** Other: -
3. **Court of Jurisdiction/Case Number:** None Specified  
Case # 185CL2000212900
4. **Amount Claimed, if any:** N/A
5. **Method of Service:**  
☒ Personally served by: ☒ Process Server ☐ Law Enforcement ☐ Deputy Sheriff ☐ U. S Marshall  
☐ Delivered Via: ☐ Certified Mail ☐ Regular Mail ☐ Facsimile  
☐ Other (Explain):
6. **Date and Time of Receipt:** 12/29/2020 11:05:00 AM CST
7. **Appearance/Answer Date:** None Specified
8. **Received From:** None Specified
9. **Carrier Airbill #** 1ZY041160191224940
10. **Call Made to:** Not required
11. **Special Comments:**  
SOP Papers with Transmittal, via UPS Next Day Air

**Registered Agent: NATIONAL REGISTERED AGENTS, INC**

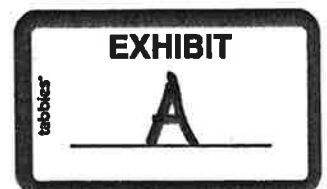
**CopiesTo:**

888-579-0286 - Telephone  
804-217-8086 - Fax

The information contained in this Summary Transmittal Form is provided by NRAI for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. NRAI disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

Transmitted by Lisa Uttech

ORIGINAL



**COMMONWEALTH OF VIRGINIA**



TAZEWELL CIRCUIT COURT  
Civil Division  
135 COURT STREET, SUITE 202  
TAZEWELL VA 24651  
(276) 385-1222

**Summons**

To: SANTEK ENVIRONMENTAL OF VA LLC  
NATIONAL REG. AGENTS, INC.  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060

Case No. 185CL20002129-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Monday, December 14, 2020

Clerk of Court: TAMMY B ALLISON

by Katherine A. Wright  
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: RATLIFF, BRAD  
1053 CEDAR VALLEY DRIVE  
CEDAR BLUFF VA 24609

**VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

JOHN T. BUCHANAN  
121 Edgewater Drive  
Cedar Bluff, VA 24609

.....PLAINTIFF

v.

Case No.: CL 20-2129

SANTEK ENVIRONMENTAL OF  
VIRGINIA, LLC

.....DEFENDANT

Serve: National Registered Agents, Inc.  
4701 Cox Road, Suite 285  
Glen Allen, VA 23060

**COMPLAINT**

COMES NOW the Plaintiff, John T. Buchanan, with his Complaint alleging personal injuries sustained from negligence of the Defendants in this matter, and in support thereof, respectfully represents as follows:

1. The Plaintiff, John T. Buchanan, is a resident of Tazewell County, Virginia, whose address is 121 Edgewater Drive, Cedar Bluff, Virginia 24609.
2. Defendant, SANTEK Environmental of Virginia, LLC (hereinafter SANTEK) is a Tennessee Limited Liability Company, doing business in Tazewell County, Virginia, under contract to Tazewell County, Virginia, and whose address is 650 25<sup>th</sup> Street, NW, Ste 100, Cleveland, TN 37311.
3. Defendant is a foreign company authorized to do business in the Commonwealth of Virginia.
4. At all times mentioned herein, particularly on or about July 19, 2019, the Defendants operated, controlled and maintained the property located at Cedar Bluff, Virginia 24609,

Received and filed in Tazewell County,

Virginia Circuit Court Clerk's Office.

This the 14<sup>th</sup> day of Dec, 2020

Time 1:24 P., M.

TESTED: Katherine A. Wright  
Clerk, Deputy Clerk

Page | 1 of 5

commonly known as the Cedar Bluff Solid Waste Transfer Station, located at 193 Cedar Valley Drive, Cedar Bluff, Virginia 24609, under a "Sanitary Landfill Operating Agreement Between Tazewell County, Virginia and Santek Environmental of Virginia, LLC" dated January 1, 2017. A copy of this document is attached herewith and incorporated fully herein as Exhibit "A."

5. On or about July 19, 2019, the Plaintiff, John T. Buchanan was a pedestrian, working as a volunteer performing community service at the Cedar Bluff Solid Waste Transfer Station, placed by Tazewell County Probation and Parole office.
6. As a part of the community service process, the employer was responsible for providing a safe work environment and for providing proper supervision and training in the workplace.
7. A component of the Plaintiff's job was to assist customers with loading, unloading, and removing garbage from vehicles. As part of that process, the Plaintiff was expected to direct customers as they drove automobiles toward the dumping area.
8. On July 19, 2019, at approximately 2:30 P.M., the Plaintiff was assisting a pickup truck backing toward the dumping area by directing the driver who was approaching the dumping area in reverse.
9. The driver struck the Plaintiff with his pickup truck and ran him over causing severe bodily harm and injuries requiring significant medical treatment, pain and suffering, and ongoing disability.
10. The driver's pickup truck rolled over the Plaintiff's mid section causing severe internal injuries requiring extensive medical treatment, causing severe pain and suffering, and permanent disability.

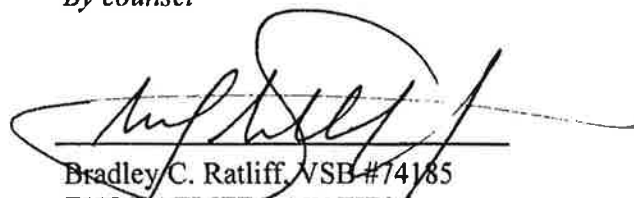
11. Defendant Santek utilized the Plaintiff as free labor since he served community service hours for which he had no ability to decline.
12. Defendant provided the Plaintiff with no training for the duties of the position in which he was placed despite the placement in a dangerous position with moving vehicles, heavy equipment, and in dangerous locations.
13. Defendant failed to provide proper or adequate supervision of the Plaintiff or other personnel at the job site, including employees, volunteers and other community service workers.
14. Defendant failed to warn the Plaintiff of the inherent dangers of the position in which he was placed.
15. No traffic controls were provided or installed by the Defendant on the site, leaving traffic to move about freely, forward and in reverse, with no rules, no direction, and no limitations.
16. The Defendant had no traffic controls and no pedestrian controls in place despite a confluence of traffic on foot and in automobiles commingling constantly on the site.
17. Defendant failed to provide proper or effective signage and warnings on the job site.
18. Defendant failed and/or refused to effectively control traffic on the job site.
19. Defendant's Negligence was both a direct and proximate cause of the injuries sustained by the Plaintiff.
20. Since the Plaintiff was assigned to work at this location and had no personal control over this decision, a higher duty of care was owed to him for his safety by the Defendant by virtue of his required participation.
21. Notwithstanding said duties, the Defendant carelessly, recklessly and negligently permitted activities on its premises and omitted responsibilities on its premises in such a

manner as to facilitate a collision with an automobile and the Plaintiff which occurred with great force and effect.

22. As a direct and proximate result of the Defendant's negligence, the business invitee's automobile crashed into the Plaintiff, running him completely over, with great force and effect, causing serious bodily harm.
23. As a direct and proximate result of the Defendant's negligence, the Plaintiff sustained serious and permanent injuries, has been prevented from conducting his normal activities, has suffered and will continue to suffer great pain of body and mind, has sustained permanent disability, deformity and loss of earning capacity, has incurred and will in the future incur hospital, doctor's and related expenses in an effort to be cured of said injuries.

WHEREFORE, the Plaintiff requests compensatory damages for recovery of medical expenses and pain and suffering in the amount of two hundred fifty thousand dollars & 00/100 (\$250,000.00), punitive damages in the statutory amount of three hundred thousand dollars & 00/100 (\$300,000.00), reasonable attorney's fees since the plaintiff has been forced to retain counsel to prosecute this claim through and by litigation, his costs expended herein, interest at the judgment rate of six percent (6%) per annum, and any additional award that the Court deems just and reasonable. A trial by jury is demanded.

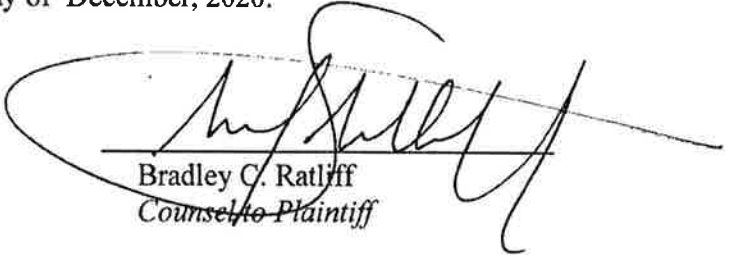
Requested by:  
**JOHN T. BUCHANAN**  
*By counsel*



Bradley C. Ratliff, VSB #74185  
THE RATLIFF LAW FIRM  
P.O. Box 33  
1053 Cedar Valley Drive  
Cedar Bluff, Virginia 24609  
Voice: 276.522.1220  
Fax: 276.206.2255  
E-Mail: Brad@RatliffLaw.net

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing Complaint was mailed to the Defendant, SANTEK Environmental of Virginia, LLC, 650 25<sup>th</sup> Street, NW, STE 100, Cleveland, Tennessee 37311, on this the 10<sup>th</sup> day of December, 2020.



Bradley C. Ratliff  
~~Counsel to Plaintiff~~

1008050216

LLC-1011  
(07/05)COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSIONARTICLES OF ORGANIZATION OF A  
DOMESTIC LIMITED LIABILITY COMPANY

Pursuant to Chapter 12 of Title 13.1 of the Code of Virginia the undersigned states as follows:

1. The name of the limited liability company is

Santek Environmental of Virginia, LLC

(The name must contain the words "limited company" or "limited liability company" or the abbreviation "L.C.", "LC", "L.L.C." or "LLC")

2. A. The name of the limited liability company's initial registered agent is

National Registered Agents, Inc. ✓

- B. The registered agent is (mark appropriate box):

- (1) an
- INDIVIDUAL
- who is a resident of Virginia and

- ☐ a member or manager of the limited liability company.
- ☐ a member or manager of a limited liability company that is a member or manager of the limited liability company.
- ☐ an officer or director of a corporation that is a member or manager of the limited liability company.
- ☐ a general partner of a general or limited partnership that is a member or manager of the limited liability company.
- ☐ a trustee of a trust that is a member or manager of the limited liability company.
- ☐ a member of the Virginia State Bar.

OR

- (2)
- ☒
- a domestic or foreign stock or nonstock corporation, limited liability company or registered limited liability partnership authorized to transact business in Virginia.

3. The limited liability company's initial registered office address, including the street and number, if any, which is identical to the business office of the initial registered agent, is

201 N. Union Street, Suite 140, Alexandria VA 22314  
 (number/street) (city or town) (zip)
which is physically located in the ☐ county or ☒ city of Alexandria

4. The limited liability company's principal office address, including the street and number, if any, is

650 26th Street., NW, Suite 100 Cleveland TN 37311  
 (number/street) (city or town) (state) (zip)

5. Organizer:

[Signature] 8-4-10  
 (signature) (date)

Gregory C. Hamilton  
 (printed name)

\_\_\_\_\_  
 (telephone number (optional))

SEE INSTRUCTIONS ON THE REVERSE



1008050216



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**

State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

**Filing Information**

Name: **Santek Environmental, LLC**

**General Information**

<b>SOS Control #</b>	<b>000187065</b>	Formation Locale:	TENNESSEE
Filing Type:	Limited Liability Company - Domestic	Date Formed:	04/03/1987
	04/03/1987 4:30 PM	Fiscal Year Close	12
Status:	Active	Member Count:	1
Duration Term:	Perpetual		
Managed By:	Member Managed		

**Registered Agent Address**

EDWARD A CAYLOR  
STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

**Principal Address**

STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
03/31/2020	2019 Annual Report	B0849-7647
04/09/2019	2018 Annual Report	B0690-0735
04/06/2018	2017 Annual Report	B0529-7989
07/05/2017	2016 Annual Report	B0412-9847
06/01/2017	Notice of Determination	B0400-1582
03/29/2016	2015 Annual Report	B0223-8497
11/17/2015	Conversion	B0166-3382

Filing Name Changed From: SANTEK ENVIRONMENTAL, INC. To: Santek Environmental, LLC

Shares of Stock Changed From: 2,000 To: No value

Member Count Changed From: 0 To: 1

Managed By Changed From: No Value To: Member Managed

Registered Agent First Name Changed From: KENNETH To: EDWARD

Registered Agent Last Name Changed From: HIGGINS To: CAYLOR

Registered Agent Middle Name Changed From: D To: A

01/27/2015 2014 Annual Report

B0047-5848

04/04/2014 2013 Annual Report

A0233-2714

1/18/2021 12:27:47 PM



## Filing Information

Name: **Santek Environmental, LLC**

---

03/29/2013 2012 Annual Report	A0169-0447
03/28/2012 2011 Annual Report	A0113-1359
Principal Address 1 Changed From: 650 25TH STREET N W To: 650 25TH ST NW	
Principal Address 2 Changed From: SUITE 100 To: STE 100	
Principal Postal Code Changed From: 37311 To: 37311-1353	
Principal County Changed From: No value To: BRADLEY COUNTY	
02/25/2011 2010 Annual Report	A0058-0746
03/11/2010 2009 Annual Report	A0009-2450
03/19/2009 2008 Annual Report	6482-0578
02/26/2008 2007 Annual Report	6223-1127
02/22/2007 2006 Annual Report	5959-1920
03/16/2006 2005 Annual Report	5720-1153
03/15/2005 2004 Annual Report	5390-3216
03/18/2004 2003 Annual Report	5072-2091
02/13/2003 2002 Annual Report	4728-1592
02/04/2002 2001 Annual Report	4411-1862
01/26/2001 2000 Annual Report	4105-1629
03/14/2000 1999 Annual Report	3852-1669
03/11/1996 CMS Annual Report Update	3132-2269
Principal Address Changed	
Registered Agent Physical Address Changed	
Mail Address Changed	
09/11/1991 Articles of Amendment	2263-0635
Name Changed	
05/07/1991 Articles of Amendment	2171-0588
Principal Address Changed	
05/07/1991 Registered Agent Change (by Entity)	2171-0589
Registered Agent Physical Address Changed	
Registered Agent Changed	
12/28/1990 Administrative Amendment	2020-0166A
Mail Address Changed	
10/19/1990 Notice of Determination	ROLL 1969
06/16/1990 Administrative Amendment	FYC/REVENUE
Fiscal Year Close Changed	
04/03/1987 Initial Filing	678 03404

## Filing Information

Name: **Santek Environmental, LLC**

---

**Active Assumed Names (if any)**

**Date**

**Expires**

---



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
**State of Tennessee**  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

## Filing Information

Name: **Santek Waste Services, LLC**

### General Information

<b>SOS Control #</b>	<b>000659921</b>	Formation Locale: TENNESSEE
Filing Type:	Limited Liability Company - Domestic	Date Formed: 06/02/2011
	06/02/2011 12:27 PM	Fiscal Year Close 12
Status:	Active	Member Count: 1
Duration Term:	Perpetual	
Managed By:	Member Managed	

### Registered Agent Address

EDWARD A CAYLOR  
STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

### Principal Address

STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
03/31/2020	2019 Annual Report	B0849-7492
04/09/2019	2018 Annual Report	B0690-0732
04/06/2018	2017 Annual Report	B0529-7959
07/05/2017	2016 Annual Report	B0412-9827
06/01/2017	Notice of Determination	B0401-4135
03/29/2016	2015 Annual Report	B0223-8545
11/17/2015	Conversion	B0166-3390

Filing Name Changed From: Santek Waste Services, Inc. To: Santek Waste Services, LLC

Shares of Stock Changed From: 1,000 To: No value

Member Count Changed From: 0 To: 1

Managed By Changed From: No Value To: Member Managed

Registered Agent First Name Changed From: EDDIE To: EDWARD

Registered Agent Middle Name Changed From: No Value To: A

01/27/2015 2014 Annual Report B0047-5828

04/08/2014 2013 Annual Report A0234-1522

03/29/2013 2012 Annual Report A0169-0461

1/18/2021 12:33:24 PM



## Filing Information

**Name: Santek Waste Services, LLC**

Registered Agent First Name Changed From: RAY To: EDDIE

Registered Agent Middle Name Changed From: D. To: No Value

Registered Agent Last Name Changed From: STEWART To: CAYLOR

03/28/2012 2011 Annual Report

A0113-1379

Principal Address 1 Changed From: 650 25TH STREET SUITE 100 To: 650 25TH ST NW

Principal Address 2 Changed From: No value To: STE 100

Principal Postal Code Changed From: 37311 To: 37311-1353

10/13/2011 Merger - Survivor

6948-2133

Qualified Survivor Control # Changed To: 000659921

Qualified Survivor Changed To: Santek Waste Services, Inc. (Bradley County)

Qualified Non-survivor Control # Changed To: 000307143

Qualified Non-survivor Changed To: ENVIRONMENTAL MATERIALS HOLDINGS INC. (Hamilton County)

06/02/2011 Initial Filing

6899-0110

**Active Assumed Names (if any)**

**Date**

**Expires**



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
**State of Tennessee**  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

## Filing Information

Name: **Santek Holdings, Inc.**

### General Information

<b>SOS Control #</b>	<b>000677889</b>	Formation Locale: TENNESSEE
<b>Filing Type:</b>	For-profit Corporation - Domestic	Date Formed: 02/02/2012
	02/02/2012 11:59 AM	Fiscal Year Close 12
<b>Status:</b>	Active	
<b>Duration Term:</b>	Perpetual	

### Registered Agent Address

EDDIE CAYLOR  
STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

### Principal Address

STE 100  
650 25TH ST NW  
CLEVELAND, TN 37311-1353

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
03/31/2020	2019 Annual Report	B0849-7444
04/09/2019	2018 Annual Report	B0690-0745
04/06/2018	2017 Annual Report	B0529-8030
07/05/2017	2016 Annual Report	B0412-9766
06/01/2017	Notice of Determination	B0401-5253
03/29/2016	2015 Annual Report	B0223-8586
01/27/2015	2014 Annual Report	B0047-5793
07/23/2014	2013 Annual Report	A0255-0120
06/03/2014	Notice of Determination	A0245-1184
03/29/2013	2012 Annual Report	A0169-0546

Registered Agent First Name Changed From: RAY To: EDDIE

Registered Agent Middle Name Changed From: D. To: No Value

Registered Agent Last Name Changed From: STEWART To: CAYLOR

02/02/2012 Initial Filing 6992-1794

### Active Assumed Names (if any)

Date Expires

1/18/2021 12:34:36 PM



Page 1 of 1

# PENNSTUART

ABINGDON | BRISTOL | JOHNSON CITY | RICHMOND

208 E. MAIN ST., ABINGDON, VA 24210

PENNSTUART.COM

Danielle Stone

dstone@pennstuart.com

D: 276 623 4423

F: 276 623 5543

January 22, 2021

VIA HAND DELIVERY

Hon. Tammy B. Allison, Clerk

Tazewell County Circuit Court

135 Court Street, Suite 202

Tazewell, VA 24651-1071

RE: John T. Buchanan v. Santek Environmental of Virginia, LLC  
Case No.: CL20002129-00  
PS&E File No.: 9598-2

Dear Ms. Allison:

I enclose for filing a Plea in Bar, Demurrer, and Answer in the above-referenced case.

I also enclose a Notice of Filing of Notice of Removal and a copy of a Notice of Removal, which should be filed after the Answer has been filed.

With best regards, I am

Very truly yours,

  
Danielle Stone

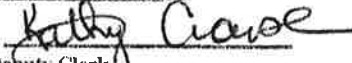
Enclosures

cc: Bradley C. Ratliff, Esq. (via e-mail and U.S. Mail, with enclosures)  
Christopher S. Burnside, Esq. (via e-mail, with enclosures)

Received and filed in Tazewell County,  
Virginia Circuit Court Clerk's Office.

This the 22 day of Jan, 2021

Time 10:40 A.M.

TESTE:   
Clerk, Deputy Clerk